

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 10/089,735 Confirmation No. : 3056
First Named Inventor : Gunther MULLER
Filed : April 4, 2002
TC/A.U. : 2856
Examiner : Charles Garber

Docket No. : 056226.50943
Customer No. : 23911

Title : Acoustic Pressure Calibrator

REPLY BRIEF

Mail Stop Appeal Brief- Patents

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The following comments are addressed what Appellant's consider to be erroneous statements in the Examiner's Answer dated December 29, 2004.

Item (2) on page 2 of the Examiner's Answer indicates there is no statement identifying the related Appeals and Interferences and that the Board of Patent Appeals and Interferences (the "Board") may exercise its discretion to "require an explicit statement as to the existence of any related Appeals and Interferences". Appellants point to page 1 of the Appeal Brief of October 19, 2004 which specifically indicates that there are no interferences or Appeals proceedings know to Appellants.

Item (7) on page 2 of the "Examiner's Answer" entitled "Grouping of Claims" contains a statement that Appellant's brief does not include a statement that this grouping of claims does not stand or fall together and the reasons in support thereof. In response, Appellant's point to page 3 of the Appeal Brief which indicate that claims 2, 3 and 5 do not stand or fall together and to page 7, the last paragraph, which discusses each of claims 1-5 and their case for separate patentability to support the previous statement that the claims do not

stand or fall together. These statements and the support are fully in compliance with the outlined procedure in 37 C.F.R. §1.192 for an Appeal Brief.

Additionally, Appellants wish to address perceived inconsistencies in the Examiner's "Response to Arguments" of item 11. More specifically, page 4 indicates that the "space within item 2 including the space within hole 13 may be considered to be a tube and will form a quarter wave resonator". In contradiction to the statement at page 4, the Examiner indicates on page 6 that "the chamber 3 also has a length which may operate as a quarter wave resonator". Furthermore, on page 6, the Examiner argues that chamber 3 of Takahashi is a piston phone with an adjustable volume for producing sound pressure and argues that hole 13 is the output of the piston phone volume. Appellants submit that chamber 3 of Takahashi is correctly stated as being a piston phone with an adjustable volume for producing sound pressure and that the hole 13 is the output of the piston phone volume. However, chamber 3 can not be both the piston phone with the adjustable volume and the high pressure adapter. It is not possible for the chamber 3 to be connected to output 13 of chamber 3. According to claim 1 of Appellants invention the high pressure adapter is required to be connected to the output of the piston phone volume.

Despite this contraction, if the Examiner regards the hole 13 as the quarter wave resonator of the high pressure adapter and not chamber 3, what constitutes or where is the expanded adapter opening? The microphone mount hole 12 provided in the housing body 2 is provided for entirely receiving the microphone M, thus there is no expanded adapter opening connected to microphone M. Appellants note that hole 13 of Takahashi is a connection for a connecting microphone M to pressure chamber 3 by step p14 as discussed at page 6, paragraph 3 of Takahashi. There is nothing stated in Takahashi about a high pressure adapter including a tube formed as a quarter resonator having a length which is adapted the excitation frequency in the piston phone to amplify the sound pressure produced in the piston phone volume.

Therefore, for the reasons expressed in the Appeal Brief and in light of the continued contradiction in the "Examiner's Answer" with regard to the

application of the references through the claims, Appellants again, urge that the decision of the Examiner be REVERSED.

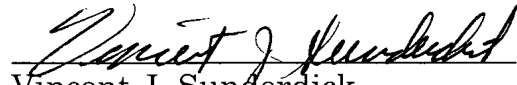
An Oral Hearing is requested.

CONCLUSION

The Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, to Deposit Account no. 05-1323, Docket No.: 056226.50943.

Respectfully submitted,

February 3, 2005


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